PROCEDURE 1320.01
Issued January 1, 1994

SUBJECT: Public access to State information.

APPLICATION: Executive Branch Departments and Sub-units.

PURPOSE: To establish qualifications and procedures for public access to State information processing/computer systems, software programs, program listings and system documentation.

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SUMMARY: This procedure describes the policy and guidelines for public access to State information processing/computer programs, systems, software and files.

APPLICABLE FORMS: None.

PROCEDURES:

Agency:

- Will grant public access to State computer application software (programs), as defined and subject to the qualifications and procedures contained herein.

    - Public access is access to existing system documentation, program listings and program run instructions as long as the information accessed does not violate the intent or posture of the State in this matter.

    - Public access may also include a copy of the source program on a media conveniently generated by the State data center.

    - State computer application software is any application software which, in the judgement of the director of the agency owning the programs, can be afforded public access without violating the intent or prohibitions of the State as outlined in this directive.

    - Shall reasonably comply with the concept of Public Domain.

- Shall not:

    - Enter into the software business or debilitate the business environment of companies in the software business.

    - Allow public access *via* Public Domain to become an alternative method to the normal and accepted business means of acquiring application software.

    - Violate any agreement under which software was acquired by the State.

-   Afford any advantages to selected contractors or vendors qualified to do business with the State.

-   Violate or risk violating the security or privacy of any individual or company or endanger the security of the State.

-   Impede the operation of any State agency, risk the privacy of its records, or maintain any facility specifically devoted to providing public access. A request for access must be in writing and must contain a specific request that includes a specific problem definition with a proposed specific solution. It is not incumbent upon the State to maintain software libraries for public perusal.

-   The State must be equitably reimbursed for all costs incurred in or attributable to the granting of public access, excluding any application development costs. However, the State may, at its option, waive reimbursement when the requestor is a county, township, municipal entity, political subdivision or similar public entity within the State and grant access with the use of the application software restricted to the requestor. The State may also, at its option, waive reimbursement when the requestor is another State and a mutual exchange is involved and the use of the application software is restricted to the requestor. The authority to grant public access rests with the respective director of the department owning the programs.

DIT:

•   Will advise agencies on public access issues which are not adequately described in the above procedures.

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